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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/452,328
Filing Date	11/30/1999
First Named Inventor	Swain W. Porter
Art Unit	2153
Examiner Name	Johnson, Marlon B.
Attorney Docket Number	109911-130393

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- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
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- [ ] After Allowance communication to Technology Center (TC)
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Signature	
Date	09/08/2003

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 160.00

Complete if Known	
Application Number	09/452,328
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METHOD OF PAYMENT *(check all that apply)*

☑ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 500393

Deposit Account Name: Schwabe, Williamson

The Director is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) during the pendency of this application

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims		-20** =		X	=
Independent Claims		- 3** =		X	=
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	160.00
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 160.00

SUBMITTED BY

(Complete *(if applicable)*)

Name *(Print/Type)*	Aloysius T.C. AuYeung	Registration No. *(Attorney/Agent)*	35,432	Telephone	503-222-9981
Signature				Date	09/08/2003

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#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application for:

Porter

Application No.: 09/452,328

Filed: November 30, 1999

For: Dynamic Content Based Information Browsing

Examiner: Johnson, Marlon

Art Group: 2153

CERTIFICATE OF TRANSMISSION/MAILING

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Signature: Heather L. Adamson Date: 09/08/2003

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Appellant's Brief Under 37 C.F.R. §1.192 In Support Of
Appellant's Appeal To The Board Of Patent Appeals And Interferences

Dear Sir:

The Appellant hereby submits this Brief in support of their appeal from a final decision by the Examiner, mailed April 10, 2003, in the above referenced case. The final decision was in response to arguments filed on March 17, 2003, in response to an earlier final office action, mailed Jan 15, 2003. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

(1) Real Party In Interest

The real party in interest is Xoucin, Inc, a corporation of Washington, having its primary place of business at 550 Kirkland Way, Floor 1, Kirkland, WA 98033.

(2) Related Appeals And Interferences

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal, which will directly affect, be directly affected by, or have a bearing on the Board's decision.

(3) Status Of The Claims

Claims 1-42 were rejected in the Final Office Action dated April 10, 2003. Claims 1-42 remain pending herein and are reproduced, as pending, in Appendix A.

(4) Status of Amendments

No claim amendments have been made since the mailing date of the final rejection.

(5) Summary of the invention

The present invention improves information browsing. Embodiments of he present invention augment an information page being browsed with source identifiers for additional information pages. The augmenting source identifiers are generated based at least in part on the content of the information page being browsed.

(6) Issues Presented

I. Whether claims 1, 2 and 11 are patentable under 35 U.S.C. §102.

II. Whether claims 3-10 and 12-42 are patentable under 35 U.S.C. §103

(7) Grouping of claims

For purposes of this appeal, based on the above listed grounds of rejection, all claims 1-42 stand or fall together.

(8) Arguments

Rejection of claims 1, 2 and 11 under 35 U.S.C. §102 was improper because *Rubenstein* failed to teach each and every limitations of claim 1.

Claim 1 as pending cites:

> In a client system, an automated method for assisting a user of the client system in retrieving and browsing information, the method comprising:
>
> retrieving and displaying on a display of the client system for browsing, a first information page having content, responsive to user direction; and
>
> automatically assembling and augmenting the first information page being browsed with one or more information source identifiers identifying one or more information pages that may be additionally retrieved, based at least in part on a portion of the content of said first information page (underline added).

Accordingly, as summarized earlier, claim 1 requires

- augmentation of *an information page being browsed*

- the augmentations are *information source identifiers identifying one or more information pages that may be additionally retrieved*, and that

- the augmentations are *based at least in part on a portion of the content of the information page being browsed*.

As an example, if a user is browsing the US PTO home page, embodiments of the present invention augment the US PTO home page with e.g. links to the European Patent Office (EPO) home page and/or Japanese Patent Office (EPO) home page. The links to EPO and JPO home pages are generated based on at least a portion of the content of US PTO's home page.

It is well settled that anticipation under 35 U.S.C. §102 requires the disclosure in a signal piece of prior art of **each and every** limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994). Thus to anticipate the present invention, *Rubinstein* must disclose every element listed above.

In rejecting claim 1, the examiner reasoned that Rubinstein in col. 15, lines 8-17, Fig. 8, Step 805, Fig. 9, Control Window, and Fig. 10 Contents View Window 1005, anticipated the first limitation of claim 1. Applicant agrees the request entered through control window 900, at step 805, results in an information page having a plurality of URLS identifying web pages that contain texts matching the request.

The result information page is formed from information pages returned from the search engines concurrently requested to analyze their web pages for contents matching the request of the user (col. 15, lines 22-32 and 51-53).

The examiner further reasoned that Rubinstein in col. 15, lines 22-32 and 51-53, Fig. 8, step 815, Fig. 10 Contents View Window 1005, disclosed the second limitation of claim 1. Applicant respectfully disagrees.

As alluded to earlier, in col. 15, lines 22-32 and 51-53, Rubinstein merely disclosed having a plurality of search engines to search their own web pages to identify web pages having contents that match the request, and return URLs of the matching web pages to form and display the *"answer" information page* for browsing in Contents View Window 1005.

The reference passages did not teach "*generation of augmentation for an information page being browsed based on the content of the information page being browsed*", as while the "searches" referred to in the reference passage are performed against information pages, they are not performed against an information page retrieved and being browsed at the instruction of the user.

The information page retrieved and being browsed at the instruction of the user is the "answer" information page (which comprises of URLs), and nothing in the reference passages either teach or suggest such analyzing the content of the "answer" information page being browsed to generate the augmentation.

In fact, in col. 16, lines 7-13, Rubinstein clearly taught that the augmentation keyword phrases of the "answer" information page are generated by analyzing the information pages pointed to by the URL content of the "answer" information page being browsed, and not the content of the "answer" information page itself.

Even if we are to ignore the foregoing, under Rubinstein, the information that augments the "answer" information page displayed in Content View Window are "keyword phrases" (see e.g. col. 16, line 9). They are not the required *"information source identifiers* identifying one or more information pages that may be additionally retrieved".

The only other "information page" being browsed under Rubinstein is the "final" information page displayed in the Abstract window 1500. Under Rubinstein, browsing of the "final information page" is not augmented. More specifically, it is *not augmented by information source identifiers identifying one or more information pages that may be additionally retrieved, where the information source identifiers are generated based at least in part on the "final" information page*.

On page 17 of the Final Office Action mailed April 10, 2003, the Examiner stated Appellant's arguments were not persuasive as "Browsing simply refer to observing information". The Examiner clearly ignored the presence of the phrase "a first

information page having content" immediately following the word "browsing" in the first limitation.

If Applicant intended to claim general augmentation of information browsing, Applicant would have recited "retrieving and displaying on a display of the client system information for browsing" instead.

But Applicant clearly particularized claim 1 to recite the first limitation as "retrieving and displaying on a display of the client system for browsing, a first information page having content, responsive to user direction".

The presence of the phrase "first information page" must be given proper weights. When read properly, it is clear that claim 1 is directed to augmenting the browsing of an information page being browsed. Moreover the augmentation are information source identifiers, and they are generated based on at least a portion of the content of information page being browsed.

Accordingly, for at least the reasons discussed above, claim 1 is clearly patentable over *Rubinstein*, and the Examiner clearly erred in rejecting claim 1 as being anticipated by *Rubinstein.*

Claims 2 and 11 are dependent on claim 1, incorporating its limitations, there claims 2 and 11 are patentable over *Rubinstein*.

Rejection of claims 3-10 and 12-42 under 35 U.S.C. §103 was improper because *Rubenstein* failed to teach each and every limitations of claim 1, 15, 21, 25, 30, 35 and 39.

In the Final Office Action mailed April 10, 2003,

- claims 6, 7, 8, 18, 21, 22, 30-32, 35,37, 39 and 40 were rejected under 35 U.S.C. §103 over *Rubinstein* in view of *Grefensette*;

- claims 10 and 27 were rejected under 35 U.S.C. §103 over *Rubinstein and Grefensette* in view of *Davies* and
- claims 36 and 41 were rejected under 35 U.S.C. §103 over *Rubinstein and Davies* in view of *Gilmour.*

Independent claims 15, 21, 25, 30, 35, and 39 all contain in substance, the limitation discussed earlier with respect to claim 1. Neither *Grefensette, Davies, nor Gilmour,* individually or in combination, remedies the deficiencies of *Rubinstein.* Accordingly, for at least the same reasons, claims 15, 21, 25, 30, 35, and 39 are all patentable under 35 U.S.C. §103 over *Rubinstein* whether it is in view of one or more of *Grefensette, Davies, nor Gilmour.*

Claims 3-10, 12-14, 16-20, 26-29, 31-34, 36-38, and 40-42 directly or indirectly depend on either claim 1, 15, 21, 30, 35, or 39, incorporating its limitations. Accordingly, for at least the same reasons, claims 3-10, 12-14, 16-20, 26-29, 31-34, 36-38, and 40-42 are all patentable under 35 U.S.C. §103 over *Rubinstein* whether it is in view of one or more of *Grefensette, Davies, nor Gilmour.*

(9) Conclusion

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

(10) Epilogue

This brief is submitted in triplicate, along with a check for $160.00 to cover the filing of appeal brief fee for a small entity as specified in 37 C.F.R. §1.17(c). We do not

believe any fees, in particular extension of time fees, are needed. However, should that be necessary, please charge our Deposit Account No. 500393.

In addition, please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Appellant Applicant

Dated: 9/8, 2003

By Aloysius AuYeung, Reg No. 35,432
Schwabe, Williamson & Wyatt, P.C.
Attorney for Appellant Applicant

Appendix A – Claims As Pending

1. (Once Amended) In a client system, an automated method for assisting a user of the client system in retrieving and browsing information, the method comprising:

retrieving and displaying on a display of the client system for browsing, a first information page having content, responsive to user direction; and

automatically assembling and augmenting the first information page being browsed with one or more information source identifiers identifying one or more information pages that may be additionally retrieved, based at least in part on a portion of the content of said first information page.

2. (Once Amended) The method of claim 1, wherein the method further comprises performing on said client system in real time, on retrieval of the first information page, analysis of the first information page to determine the portion of the content of said first information page on which said automatic assembling and augmenting is based.

3. (Once Amended) The method of claim 2, wherein said analysis comprises performing on said client system in real time, on retrieval of the first information page, scanning of said first information page for unique nouns presence, accessing a current table of keywords to determine if any of the unique nouns are to be considered as keywords, and outputting those unique nouns that should be so considered as the presence ones of first keywords.

4. (Once Amended) The method of claim 3, wherein the method further comprises designating to a browser of the client system a first of a plurality of tables of keywords as the current table of keywords.

5. (No change) The method of claim 4, wherein the method further comprises loading/downloading said plurality of tables of keywords onto the client system.

6. (Once Amended) The method of claim 3, wherein said analyzing further comprises performing on said client system in real time, on retrieval of the first information page, retrieval of second keywords related to the presence ones of first keywords from one or more tables of related keywords, using said presence ones of first keywords.

7. (Once Amended) The method of claim 6, wherein said automatic assembling and augmenting comprises performing on said client system in real time, on retrieval of the first information page, retrieval of one or more information source identifiers identifying one or more information pages associated with the second keywords, from one or more information source tables, using said second keywords.

8. (No change) The method of claim 7, wherein the method further comprises loading/downloading said one or more tables of information sources onto the client system.

9. (Once Amended) The method of claim 3, wherein said automatic assembling and augmenting comprises performing on the client system in real time, on retrieval of the information page, assembly of the one or more information source identifiers

based at least in part on the presence ones of first keywords in said first information page.

10. (Once Amended) The method of claim 1, wherein the method further comprises performing on the client system in real time, on retrieval of the information page, transmission to a server, which is not a source server of the first information page, a selected one of (a) a locator of the first information page identifying a third party location from where the first information page is being retrieved, (b) a plurality of unique nouns of the first information page, (c) a plurality of first keywords present in the first information page, and (d) a plurality of second keywords related to the first keywords.

11. (Once Amended) The method of claim 1, wherein said first information page is an information page constituted using a mark-up language.

12. (Once Amended) The method of claim 1, wherein the method further comprises displaying on said display a selected one of a second information page corresponding to a first of the additional information pages, and a thumbnail of the second information page.

13. (Once Amended) The method of claim 12, wherein said displaying of a thumbnail comprises performing on said client system in real time, on retrieval of the first information page, a selected one of (a) retrieving said thumbnail and (b) retrieving said second information page and dithering said retrieved second information page to form said thumbnail.

14. (Once Amended) The method of claim 12, wherein said displaying of a thumbnail is made responsive to proximate placement of a cursor next to a first information source identifier corresponding to said second information page.

15. (Once Amended) In a client system, an automated method for assisting a user of the client system to retrieve and browse information, the method comprising:

retrieving and displaying on a display of the client system for browsing, a first information page having content, responsive to user direction;

performing on said client system in real time, on retrieval of the first information page, analysis of the first information page to determine at least a portion of the content of said first information page;

automatically assembling and augmenting the first information page being browsed with one or more information source identifiers identifying one or more information pages that may be additionally retrieved, based at least in part on the automatically determined portion of the content of said first information page; and

presenting on the display, responsive to a user event, a thumbnail of a second information page corresponding to a first of the identified information pages.

16. (No change) The method of claim 15, wherein said presenting of the thumbnail comprises performing on the client system in real time, a selected one of (a) retrieving said thumbnail and (b) retrieving said second information page, and dithering said retrieved second information page to form said thumbnail.

17. (Once Amended) The method of claim 15, wherein said presenting of the thumbnail is made responsive to proximate placement of a cursor next to a first information source identifier corresponding to the second information page.

18. (Once Amended) In a server system, an automated method for facilitating provision of assistance to a user of a networked client system to retrieve and browse information, the method comprising:

receiving from said client system in real time, on retrieval from a third party location by the client system a first information page to be browsed on the client system, related first keywords of presence ones of second keywords in the first information page, where at least presence ones of the second keywords of the first information page are dynamically determined by the client system in real time on retrieval of the first information page; and

in response, providing to said client system a plurality of information source identifiers identifying a plurality information pages that may be additionally retrieved, based at least in part on said received related first keywords.

19. (No change) The method of claim 18, wherein the method further comprises providing to said client system a thumbnail of a second information page corresponding to a first of said information source identifiers.

20. (No change) The method of claim 19, wherein the method further comprises retrieving said second information page and dithering said second information page to form said thumbnail.

21. (Once Amended) In a server system, an automated method for facilitating provision of assistance to a user of a networked client system to retrieve and browse information, the method comprising:

receiving from said client system in real time, on retrieval from a third party location by the client system a first information page to be browsed on the client system, presence ones of first keywords in the first information page, where presence ones of the first keywords of the first information page are dynamically determined in real time by the client system on retrieval of the first information page; and

in response, providing to said client system a plurality of information source identifiers identifying a plurality information pages that may be additionally retrieved, based at least in part on said received presence ones of first keywords.

22. (No change) The method of claim 21, wherein the method further comprises dynamically determining related second keywords of said presence ones of first keywords; and said providing of information source identifiers to said client system is made based at least in part on said dynamically determined related second keywords.

23. (No change) The method of claim 21, wherein the method further comprises providing to said client system a thumbnail of a second information page corresponding to a first of said information source identifiers.

24. (No change) The method of claim 23, wherein the method further comprises retrieving said second information page and dithering said second information page to form said thumbnail.

25. (Once amended) In a server system, an automated method for facilitating provision of assistance to a user of a networked client system to retrieve and browse information, the method comprising:

receiving from said client system in real time, on retrieval from a third party location by a client system a first information page to be browsed on the client system, unique nouns of the first information page, where the unique nouns are dynamically determined in real time by the client system on retrieval of the first information page; and

in response, providing to said client system a plurality of information source identifiers identifying a plurality information pages that may be additionally retrieved, based at least in part on said received unique nouns.

26. (No change) The method of claim 25, wherein the method further comprises dynamically determining presence ones of first keywords in said information page using said received unique nouns; and said providing of information source identifiers to said client system is made based at least in part on said dynamically determined presence ones of first keywords.

27. (No change) The method of claim 26, wherein the method further comprises dynamically determining related second keywords of said presence ones of first keywords; and said providing of information source identifiers to said client system is further made based at least in part on said dynamically determined related second keywords.

28. (No change) The method of claim 25, wherein the method further comprises providing to said client system a thumbnail of a second information page corresponding to a first of said information source identifiers.

29. (No change) The method of claim 28, wherein the method further comprises retrieving said second information page and dithering said second information page to form said thumbnail.

30. (Once amended) In a server system, an automated method for facilitating provision of assistance to a user of a networked client system to retrieve and browse information, the method comprising:

receiving in real time from said client system, on retrieval from a third party location by the client system a first information page to be browsed on the client system, a locator of the first information page identifying the third party location; and

in response, providing to said client system a plurality of information source identifiers identifying a plurality information pages that may be additionally retrieved, based at least in part on dynamically determined content of the first information page.

31. (No change) The method of claim 30, wherein the method further comprises retrieving said first information page and dynamically analyzing the retrieved first information page in real time to determine presence ones of first keywords in said information page; and said providing of information source identifiers to said client system is made based at least in part on said dynamically determined presence ones of first keywords.

32. (No change) The method of claim 31, wherein the method further comprises dynamically determining related second keywords of said presence ones of first keywords; and said providing of information source identifiers to said client system is further made based at least in part on said dynamically determined related second keywords.

33. (No change) The method of claim 30, wherein the method further comprises providing to said client system a thumbnail of a second information page corresponding to a first of said information source identifiers.

34. (No change) The method of claim 33, wherein the method further comprises retrieving said second information page and dithering said second information page to form said thumbnail.

35. (Once amended) A client system comprising:

a display; and

a browser to facilitate augmented viewing of a first retrieved information page having contents, including an analyzer equipped to dynamically assemble a plurality of information source identifiers identifying a plurality of information pages that may be additionally retrieved, based at least in part on a portion of said content of the first retrieved information page.

36. (Once amended) The client system of claim 35, wherein the analyzer further comprises a lexical analyzer to facilitate determination in real time unique nouns in said first retrieved information page being browsed.

37. (Once amended) The client system of claim 35, wherein the client system further comprises an information source database having a plurality of keywords and a plurality of information source identifiers associated with the keywords.

38. (Once amended) The client system of claim 35, wherein the client system further comprises a dithering module to dither a second information page retrieved to augment the first retrieved information page, to generate a thumbnail of the second retrieved information page.

39. (Once amended) A server system comprising:

a network interface to couple the server system to a network;

an information source database having a first plurality of keywords and a plurality of associated information source identifiers of the first keywords, identifying a plurality of information pages that may be additionally retrieved, to facilitate augmented provision of dynamically assembled information source identifiers by a browser of a coupled client system, based at least in part on content of a first information page retrieved from a third party location for browsing on said client system.

40. (Once Amended) The server system of claim 39, wherein the server system further comprises

a keyword database, having a second plurality of keywords and said first plurality of keywords, the first and second keywords being related, to facilitate determination of related second keywords of presence ones of first keywords in the first retrieved information page.

41. (Once amended) The server system of claim 39, wherein the server system further comprises a lexical analyzer to facilitate determination of unique nouns in said first retrieved information page being browsed, for use in determining presence ones of said first keywords in said first retrieved information page being browsed.

42. (Once amended) The server system of claim 39, wherein the server system further comprises a dithering module to dither a second retrieved information page retrieved to augment the first retrieved information page to generate a thumbnail of the second retrieved information page.